

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Franciso Marin,
Plaintiff,
v.
Walgreens, Inc.,
Defendant.

CASE NUMBER: 98-1673 (HL)

MOTION

Date Filed: 8/17/98 Docket #5 ☐ Plffs ☒ Defts
Title: Motion to Dismiss
Opp'n Filed: Docket #

ORDER

Before the Court is Defendant Walgreens of Puerto Rico, Inc.'s ("Walgreens") Motion to Dismiss, Dkt. No. 5, Plaintiff Francisco Marin's ("Marin") opposition Brief, Dkt. No. 8, Walgreens' Reply, Dkt. No. 9, and Marin's sur-reply, Dkt. No. 10.

Although Marin filed suit more than one year after he knew of his injury, his letter to Walgreens' claims service tolled the statute of limitations. See *Kery v. American Airlines*, 931 F.Supp. 947 (D.P.R. 1995). Walgreens' Motion to Dismiss is hereby denied.

Date

12 16/99

HECTOR M. LAFFITTE
Chief U.S. District Judge

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